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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/534,810

05/12/2005

Adolf Proidl

AT 020066

7069

24737 7590 01/22/2009
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

BELTOWSKI, JARED D

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

01/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/534,810	Applicant(s) PROIDL ET AL.	
	Examiner Jared Beltowski	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/12/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2621

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-2, and 5-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.**

Pre-Grant Publication 2002/0068558 (Janik).

3. In regard to independent claim 1, Janik discloses a recording device for recording audio/video programs on a recording medium and/or reproducing them (figure 27; paragraph 92), having program receiving means for receiving audio/video programs (wireless LAN access point, 54), having program selecting means for selecting receivable audio/video programs for recording or reproduction (paragraph 199; webpad, 92), having storage means (paragraph 242, non-volatile memory) for storing a user identifier identifying the recording/reproducing device or a user thereof (paragraph 185), characterized in that the program selecting means are arranged to give access to a user profile for the recording/reproducing device and to a group list containing user identifiers (IDs) for other recording/reproducing devices (paragraphs 243, 127,

Art Unit: 2621

185), and in that information receiving means are provided for receiving sets of program selection information that can be correlated with the user identifiers contained in the group list (paragraphs 243, 125), wherein the program selecting means are arranged to determine the audio/video programs to be selected, from the sets of program selection information received and by reference to the access to the user profile (paragraph 94).

4. In regard to dependent claim 2, Janik further discloses that the recording/reproducing device is characterized in that the program selecting means are arranged to create a timer list for the time-controlled recording/reproducing of the receivable audio/video programs (paragraphs 215, 210).

5. In regard to dependent claim 5, Janik further discloses that the recording/reproducing device is characterized by information transmitting means for transmitting the user identifier (ID) and the program selection information created by the program selecting means on being requested to do so by external devices (paragraphs 209, 198, 199, 185; via a stylus).

6. In regard to dependent claim 6, Janik further discloses that the recording/reproducing device is characterized in that the recording/reproducing device is a TV set and the programs selected by the program selecting means are offered to a viewer via on-screen information, in which case a final selection can, where applicable, be made by the viewer (paragraphs 188-189).

7. In regard to independent claim 7, Janik discloses a recording/reproducing system having at least two recording/reproducing devices (figure 38; paragraphs 229-230), characterized in that communication means for transmitting program selection information and user identifiers (IDs) are provided between the recording/reproducing devices (paragraph 185).

Art Unit: 2621

8. In regard to dependent claim 8, Janik further discloses that the recording/reproducing device is characterized in that the communication means provide a connection to a server computer that manages group lists and/or user profiles and/or user identifiers (IDs) and associated sets of program selection information from recording/reproducing devices connectable via the communication means (paragraphs 94, 121).

9. In regard to independent claim 9, Janik discloses a method of operating a server to obtain information from and transmit information to a plurality of recording/reproducing devices that are connected to the server and, if required, to one another via the communication means (figure 1; paragraphs 127, 118), characterized in that the server reads in and stores user identifiers (IDs) (paragraph 121) and associated sets of program selection information from the recording/reproducing devices connected to it (paragraph 109), and in that, on being requested by a recording/reproducing device to transmit user identifiers (IDs), sets of program selection information, group lists and/or user profiles, it transmits the information requested thereto while allowing for access rights (paragraph 184; based on time).

10. In regard to dependent claim 10, Janik further discloses that the method of operating a server is characterized in that the server adds additional information, e.g. program descriptions or advertising, to the stored sets of program selection information (paragraph 217).

11. In regard to dependent claim 11, Janik further discloses that the method of operating a server is characterized in that the server performs services for managing group lists and/or user profiles via remote computer terminals with which it is connected via a data transmission network (paragraphs 94, 126).

Art Unit: 2621

12. In regard to dependent claim 12, Janik further discloses that the method of operating a server is characterized in that it controls access by recording/reproducing devices or computer terminals to the information managed by it by reference to subscriber lists (paragraph 94).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S.

Pre-Grant Publication 2002/0068558 (Janik) in view of U.S. Patent Application 09/891,382

(Olkkonen et al.). Reference will be made to the published U.S. Patent 6,842,460 of Olkkonen et al.

15. In regard to dependent claim 3, Janik discloses the recording device of claim 1 upon which claim 3 depends. See above for rejection rationale. Janik fails to disclose that the group list may be stored in a non-volatile memory in the recording device. Olkkonen et al. disclose the well-known function of storing the group list of a network in a non-volatile memory in the recording device. (Olkkonen et al., column 5, lines 1-34) One of ordinary skill in the art would have known that the group list and/or the user profile can be stored in a non-volatile memory in the recording/reproducing device in order to more easily access and control other client devices as in the case of the webpad (Janik, paragraphs 242-243).

Art Unit: 2621

16. In regard to dependent claim 4, Janik discloses the recording device of claim 1 upon which claim 4 depends. See above for rejection rationale. Janik fails to disclose that the group list and/or the user profile are/is downloadable to the recording/reproducing device via the information receiving means. Olkkonen at al. disclose storing the group list of a network in a non-volatile memory in the recording device. In the recording apparatus apparent from viewing both references (that of claim 3), group list must be downloadable to the recording/reproducing device via the information receiving means since the group lists and user profiles are stored on the server (Janik, paragraphs 121, 94) and the recording reproducing device is connected to the server via the information receiving means (Janik, paragraph 84).

17. One of ordinary skill in the art at the time of invention would have had a reasonable expectation of success in implementing the limitations of claims 3 and 4 for the reasons listed above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared Beltowski whose telephone number is (571) 270-7120. The examiner can normally be reached on Monday-Friday, 7:30 am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jared Beltowski/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621